

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED FOOD AND COMMERCIAL)	
WORKERS UNION, et al.,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-09-1114-D
)	Class Action
CHESAPEAKE ENERGY CORPORATION,)	
et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the joint motion of Lead Plaintiff and Defendants UBS Investment Bank, ABN AMRO, Banc of America Securities LLC, and Wells Fargo Securities (the “Underwriter Defendants”) to Dismiss Claims Against Underwriter Defendants [Doc. No. 358]. Pursuant to Fed. R. Civ. P. 41(a)(2), Lead Plaintiff and the Underwriter Defendants seek dismissal without prejudice of the claims asserted by Lead Plaintiff against the Underwriter Defendants in this action.

According to their joint motion, Lead Plaintiff and the Underwriter Defendants have reached an agreement to dismiss the claims without prejudice because Lead Plaintiff intends to appeal the Court’s March 29, 2013 Order (“March 29 Order”)[Doc. No. 354] granting summary judgment against Lead Plaintiff on its claims against all other defendants in this action.¹

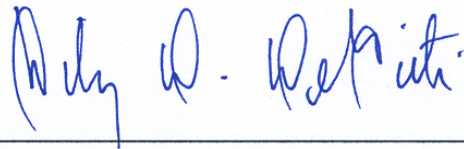
The Court has reviewed the motion and concludes that the motion may be approved without notice to the other class members under Fed. R. Civ. P. 23(e). The motion seeks dismissal of claims asserted against some but not all defendants, and it seeks dismissal without prejudice. Accordingly,

¹In a separate, unopposed motion [Doc. No. 359], Lead Plaintiff has asked the Court to enter final judgment on the claims resolved in the March 29, 2013 Order so that it may pursue its appeal of that ruling. Further, the parties’ representations and agreement with respect to the dismissal of claims against the Underwriter Defendants are set forth in the joint motion (Doc. No. 358), and incorporated herein by reference.

under the circumstances presented here, approval of the dismissal without prejudice does not have an adverse effect on the rights of the other class members.

Having considered the motion and the parties' joint representations and agreement, the Court finds that the motion to dismiss [Doc. No. 359] should be, and is hereby, GRANTED. Accordingly, Lead Plaintiff's claims against the Underwriter Defendants are hereby dismissed without prejudice.

IT IS SO ORDERED this 21st day of June, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE